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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No. 2853 of 2006
Date of decision: 15.11.2007

Suresh Kumar **...Petitioner**

Versus

Central Bank of India **...Respondent**

CORAM: HON'BLE MR.JUSTICE RAJESH BINDAL

Present: Mr. T.P.Singh, Advocate for the petitioner.

Mr. Baljinder Singh, Advocate for the respondent.

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RAJESH BINDAL, J.

The challenge in the present petition is to the orders dated April 16, 2005 and May 3, 2006 passed by learned Civil Judge (Senior Division), Jalandhar whereby application filed by the judgment debtor/petitioner for transfer of the execution proceedings to Debt Recovery Tribunal, Chandigarh was dismissed and warrant of arrest of the petitioner was issued.

Briefly the facts are that suit filed by the Bank for recovery of Rs. 2,33,153/- was decreed on March 29, 1982. The bank filed application for execution of the decree before learned Civil Court. It is not disputed that amount now recoverable from the judgment debtor is more than Rs. 10 lacs. However, the application filed for transfer of the execution was dismissed and warrants of arrest of the judgment debtor were issued. The proposition of law sought to be convassed by learned counsel for the petitioner is to the effect that where the sum total involved in a suit or execution is more than Rs. 10 lacs, the jurisdiction of the Civil Court is ousted and the matter is to be dealt with by the Debt Recovery Tribunal in terms of provisions of Section 18 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 (for short “the Act”). In terms of provision of Section 2(g) of the Act 'Debt' means any liability inclusive of interest. In the present case, it is not disputed that the liability as on date

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inclusive of interest was more than Rs. 10 lacs. Hon'ble the Supreme Court in **Allahabad Bank Vs. Canara Bank and another AIR 2000 Supreme Court 1535** held that even as regards execution proceedings, the jurisdiction of Recovery Officer under the Act is exclusive. Section 18 of the Act is categoric to ouster the jurisdiction of the Courts after the establishment of the Tribunal under the Act. The proposition of law could not possible be disputed by learned counsel for the respondent. Once it is so, inescapable conclusion is that execution proceedings before the learned trial Court deserves to be transferred to the Debt Recovery Tribunal. Learned counsel for the parties state that Debt Recovery Tribunal-II, Chandigarh shall have jurisdiction with regard to cases of Punjab State. Accordingly, learned trial Court is directed to transfer the record of the case to Debt Recovery Tribunal-II, Chandigarh. The parties are directed to appear before the Presiding Officer, Debt Recovery Tribunal-II, Chandigarh for further proceedings on January 4, 2008.

The revision petition is disposed of in the manner indicated above.

November 15, 2007 **(Rajesh Bindal)**
Pka **Judge**